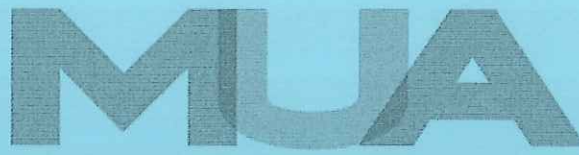


The
Management
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UNDERGRADUATE UNIVERSITY EXAMINATIONS

SCHOOL OF MANAGEMENT AND LEADERSHIP

DEGREE OF BACHELOR OF COMMERCE

BCM 121 : BUSINESS LAW 1

DATE: 5TH APRIL 2018

DURATION: 2 HOURS

MAXIMUM MARKS: 70

INSTRUCTIONS:

1. Write your registration number on the answer booklet.
2. **DO NOT** write on this question paper.
3. This paper contains **SIX (6)** questions.
4. Question **ONE** is compulsory.
5. Answer any other **THREE** questions.
6. Question **ONE** carries **25 MARKS** and the rest carry **15 MARKS** each.
7. Write all your answers in the Examination answer booklet provided.

QUESTION ONE

Read the Case Study below carefully and answer the questions that follow

Kimani married Teresia under the statutory Marriage and Divorce Act. During their marriage, Kimani and Teresia were blessed with two sons and two daughters. Fifteen years after the celebration of their marriage, Kimani befriended Kerubo, a girl in the city. Kerubo gave birth to five children whose paternity was admitted by Kimani. Kimani made a Will distributing his property to Kerubo and her five children only. Two years later, he was involved in an accident and he died. A dispute then arose between Teresia and Kerubo regarding the distribution of the estate of Kimani to two women and their children.

Required:

- a) Demonstrate to Teresia whether Kerubo and her children are entitled to inherit Kimani's property. (2marks)
- b) Analyze a dependent as per the Law of Succession Act? (8marks).
- c) Evaluate provisions for dependents? (15 marks)

QUESTION TWO

- a) Briefly analyze the branches of civil law (5marks)
- b) Asses the African customary law as a source of law in Kenya (10 marks)

QUESTION THREE

- a) There are two types of corporations. Define them (3marks)
- b) K and M have agreed to settle their disputes under arbitration agreements. Propose to them the disadvantages of settlement of disputes under arbitration (12marks)

QUESTION FOUR

- a) Mention the characteristics of a Will? (5 marks)
- b) Illustrate the composition, establishment and jurisdictions of the High Court (10 marks).

QUESTION FIVE

- a) Where a party is aggrieved by breach of contract, he is entitled to have remedies. Argue (5marks)
- b) A tort differs from breach of. Contract. Asses the general defences in tort? (10 marks)

QUESTION SIX

- a) Design the hierarchy of the courts from the lowest to the highest (5 marks)
- b) Formulate factors considered in determining the points of distinction between public and private limited companies. (10marks)

